

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
August 10, 2005

ITEM: 7

SUBJECT: South Orange County Wastewater Authority (SOCWA):
Administrative Assessment of Civil Liability as a \$9,000
Mandatory Minimum Penalty against the SOCWA for
violation of effluent limitations established by Order No. R9-
2000-0013, Waste Discharge Requirements Discharge to the
Pacific Ocean through the South Orange County Wastewater
Authority San Juan Creek Ocean Outfall in Orange County.
The Regional Board will consider adoption of an order
accepting settlement of the proposed liability in response to
Administrative Civil Liability Complaint No. R9-2005-0124.
If the Regional Board rejects the settlement, the matter will
be rescheduled to a future public hearing at which time the
Regional Board will consider assessment of civil liability.
(Tentative Order No. R9-2005-0224) (Mark Alpert)

PURPOSE: The Regional Board will consider adoption of an order
accepting settlement of the proposed liability in response to
Administrative Civil Liability Complaint No. R9-2005-0124.
(Document No. 4)

PUBLIC NOTICE: A public notice was published in the San Diego Union
Tribune on July 1, 2005. The 30-day comment period
ended on August 2, 2005. The item was also posted on the
Regional Board web page.

DISCUSSION: On June 17, 2005 the Executive Officer issued Complaint
No. R9-2005-0124 *for Administrative Civil Liability with
Mandatory Minimum Penalties* in the amount of \$9,000
against the South Orange County Wastewater Authority for
violations of effluent limitations contained in Order No.
2000-0013 that occurred on January 9, 2005. The violations
included: 1) daily maximum mass emissions rate of
Carbonaceous Biochemical Oxygen Demand (CBOD) and 2)

daily maximum concentration and daily maximum mass emissions rate of Total Suspended Solids (TSS).

Each reported value was greater than 40% above the effluent limitation. In accordance with California Water Code section 13385(h) these are serious violations, which are each subject to the assessment of mandatory minimum penalty of three thousand dollars (\$3,000) for a total penalty of \$9,000.

A Complaint for civil liability was issued on June 17, 2005 proposing mandatory minimum penalties for two total violations that occurred on January 9, 2005.

On June 30, 2005 the South Orange County Wastewater Authority proposed to settle the liability proposed in the Complaint. The settlement includes: SOCWA's waiver of a hearing, payment of \$4,500 to the State Water Resources Control Board, and payment of \$4,500 to the Southern California Coastal Research Program (SCCWRP) to fund a Supplemental Environmental Project (SEP) for a "Regional Marine Monitoring program for the southern California Bight".

If the Regional Board does not adopt the tentative Order accepting SOCWA's settlement, a hearing will be rescheduled for a future Regional Board meeting.

No comments concerning this matter have been received to date.

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

- (1) Location Map
- (2) Tentative Order No. R9-2005-0224
- (3) SOCWA'S June 30, 2005 Settlement offer
- (4) Administrative Civil Liability Complaint
 No. R9-2005-0124 dated June 17, 2005.

RECOMMENDATION: The adoption of tentative Order No. R9-2005-0224 is recommended.